

Docket No.: 066470-0011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 33401
GOMES, DAVID, et al.	:	Confirmation Number: 2256
Application No.: 10/807,032	:	Group Art Unit: 2164
Filed: March 23, 2004	:	Examiner: BELL, Cory C.
For: MULTI-TIER DOCUMENT MANAGEMENT SYSTEM	:	

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically-transmitted to the United States Patent and Trademark Office on Mar 9, 2007.


Jessica Brown

RESPONSE TO OFFICE ACTION MAILED SEPTEMBER 14, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action, mailed September 14, 2006. A petition for a four (4) month extension of time is being filed concurrently.

The Examiner requests that applicant provide information on what each of the inventors did to contribute to the invention in light of the letter filed on May 5, 2005 by Sajeev Mishra.¹

Since receiving this Office Action, an investigation was conducted into inventorship. This investigation revealed that the subject matter of the claims in this application was invented solely by one of the name inventors, David Gomes. The remaining individuals were named because of a misunderstanding concerning the legal definition of inventorship.

¹ Mr. Mishra was terminated as an employee of the assignee named in this application.

Named inventor David Gomes was the sole individual to conceive the elements that are set forth in the pending patent claims. Following this conception, Mr. Gomes enlisted the aid of Northwind Consulting Services, LLC to reduce his invention to practice. He did so by having his company enter into an agreement with Northwind on or about December 1, 2001, a copy of which is attached as Exhibit 1.

Attached to this Agreement as Exhibits B and C were technical specifications for the software that Northwind was to write to implement Mr. Gomes' invention. These exhibits corroborate Mr. Gomes' conception at that time of his invention.

None of the other-named co-inventors were even working with Mr. Gomes at the time he conceived of the invention or at the time that the conception-corroborating Agreement of December 1, 2001 was signed. They were not hired to work with Mr. Gomes until several months later. Mr. Mishra, for example, was not hired until May 13, 2002 -- about 5 1/2 months later.

At the time that Mr. Gomes filed the subject patent application, he erroneously believed that those that helped him reduce his invention to practice should be named as co-inventors, even though they did not conceive elements of his invention. This is why the others were erroneously named as co-inventors.

The Department of the Navy and employees of Amsec LLC also were not co-inventors. They were merely prospective customers. Mr. Gomes did even not disclose his invention to them until March 15, 2002, about 3 1/2 months after the corroboration of his conception in the Agreement with Northwind.

Unfortunately, it would be difficult at this time to obtain all of the signatures that are required under 37 C.F.R. 1.48(a) to amend this application to correct for the error that was made in naming inventors. Instead, applicant will file a continuation application correctly naming Mr. Gomes as the sole inventor and an express notice of abandonment of this application.

No.: 10/807,032

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

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